From: Association of Deputy District Attorneys
To: Kutches, Brandon (SHF)
Subject: Monday Morning Memo for January 22, 2018
Date: Monday, January 22, 2018 5:03:56 AM

Having trouble viewing this email? Click here

Prop 47 & 57

Prosecutors take aim at Prop 47, Prop 57 with ballot initiative

L.A. County's prosecutors are hoping voters will support an initiative to reform the criminal justice system and address concerns with two

previous efforts, Prop 47 and Prop 57, which they say is necessary to keep California safe. The authors of the Reducing Crime and Keeping California Safe Act of 2018 aim to "fix" issues created by Proposition 47, which reduced certain non-violent felonies to misdemeanors after it was approved by voters in 2014.
The Signal

San Jose: Arrest of adult-teen robbery crew highlights new wave of 'gang' crimes
A robbery crew made up mostly of teenagers has been arrested in connection with at least 30 robberies and carjackings in San Jose dating back to last spring, and is being treated as a gang despite having no conventional gang ties, authorities said.
Mercury News

If this is the best critics can do, then criminal justice reforms are working
In responding to a recent column of mine on criminal justice reforms, Michele Hanisee, president of the Association of Deputy District Attorneys, made the important point that opinions aren't facts. Unfortunately, she then goes on to blur those lines herself and distorts the facts to suit her narrative that criminal justice reforms have made us less safe.
Orange County Register

Blue ribbon commission to study effects of prison realignment
County officials are trying to determine the effect of three measures created to reform the criminal justice system, as prosecutors launch a signature-gathering campaign to put another initiative on the ballot.
The Signal

Courts / Rulings

Report of attempted suicide justified warrantless entry
When police, arriving in response to a call that a man was in a house with firearms and had announced an intent to kill himself, did not breach the Fourth Amendment when they made a cursory sweep of the house to make certain no one was injured and there were no firearms out in the open, the Court of Appeal for this district held yesterday.
Metropolitan News-Enterprise

They argued that prostitution is a constitutional right. Nice try, said federal court.
The Supreme Court's 2003 ruling in the case Lawrence v. Texas is one of its best-known in recent memory. In a 6-3 decision, the justices invalidated every remaining sodomy law in the United States, rendering the country's archaic and largely unenforced bans on same-sex sexual activity unconstitutional.
Washington Post

Court of Appeal: Privacy action lies where one party did not know call was recorded
The Fourth District Court of Appeal has reversed a summary judgment in favor of a company that recorded all calls on certain telephones, holding that knowledge by its employee of the recording policy could not be imputed to her mother-with whom she had frequent phone conversations-who has sued for invasion of privacy.
Metropolitan News-Enterprise

U.S. judge clears way to send case for bail as fair, effective to trial for a decision
A federal judge has cleared the way for trial to determine the constitutionality of bail requirements in San Francisco and statewide, ruling that defenders of the system must show it's the best and least-restrictive way to make sure that defendants who have been released from jail show up in court.
San Francisco Chronicle

Student's challenge of college free-speech zones advanced
A California community college student who found support from the U.S. attorney general in a complaint against his college's free-speech policies will get his day in court, after a federal judge rejected the school's motion to dismiss the suit. Kevin Shaw challenged Pierce College's free-speech policies in March 2017, particularly the designated "Free Speech Areas" on campus that can only be used with permit.
Courthouse News

Prosecutions / Prosecutors

LA man charged with murder of transgender woman
A Los Angeles man accused of fatally stabbing a 33-year-old trangender woman he met online and then setting her Pico-Union apartment on fire was charged today with murder, attempted robbery and arson charges that could result in the death penalty if he's convicted.
CBS LA

FBI sting operation nets arrest of L.A. County Sheriff's deputy accused of selling drugs, offering protection to dealers
A Los Angeles County Sheriff's deputy and three alleged accomplices stand accused of running a vast drug trafficking conspiracy in which they would provide security services to narcotics dealers in exchange for cash, according to a criminal complaint unsealed Tuesday.
KTLA

DNA helps convict man in 2001 Northridge kidnapping and sexual assault of teen
A Hollywood man convicted of kidnapping and sexually assaulting a 14-

year-old boy in Northridge more than 16 years ago is facing a potential 35-year-to-life prison term, a prosecutor said today. Mirek Paul Voyt, who was arrested at his home last year, remains behind bars while awaiting a Feb. 14 sentencing hearing at the San Fernando courthouse.
City News Service

'I wish I f-ing killed more of those mother--s': Undocumented man charged with cops' murder interrupts trial (watch)
A man accused of murdering two California sheriff deputies wasn't denying anything when he was in court on Tuesday. Luis Bracamontes, an undocumented immigrant from Mexico, is at trial for allegedly killing Sacramento County Sheriff's Deputy Danny Oliverand Placer County Sheriff's Deputy Michael Davis Jr. in October 2014.
Law & Crime

'Swatting' suspect charged with manslaughter
The Los Angeles man at the center of what is believed to be the first fatal "swatting" incident in the U.S. has been charged with manslaughter in connection with a hoax phone call that led to a deadly shooting in Kansas, records show. Tyler Rai Barriss, 25, was charged with involuntary manslaughter and interference with law enforcement, according to court records made public Friday.
Los Angeles Times

North Hollywood man sentenced for bludgeoning parents to death
A North Hollywood man was sentenced Wednesday to 42 years to life in state prison for the beating deaths of his parents. Jonathan Mercado, 30, pleaded no contest last September to two counts of murder stemming from the Sept. 7, 2012, bludgeoning deaths of his father, Alexandro, and mother, Veronica, at a home in the 8100 block of Radford Avenue where he lived with the victims and his two younger siblings.
City News Service

Parents say killing of missing California college student could be hate crime; suspect used gay slur
The parents of Blaze Bernstein, a pre-med student who was stabbed repeatedly and dumped in a shallow grave in Lake Forest, say his death might be a hate crime. If the death is prosecuted as a hate crime, it could bring a stricter sentence. Documents show the suspect, Samuel Lincoln Woodward, used a gay slur to describe their son while talking to Orange County Sheriff's investigators.
East Bay Times

Couple charged in Perris torture case: 'This is depraved conduct'
A couple accused of torturing their 13 children, ages 2 to 29, and keeping them captive in depraved conditions were charged Thursday as authorities revealed more appalling details regarding the

treatment and living conditions of the children that lasted several years. David Turpin, 57, and Louis Ann Turpin, 49, were each charged with 12 counts of torture, seven counts of abuse of a dependent, six counts of child abuse and neglect and 12 counts of child imprisonment.
CBS LA/AP

Law Enforcement

L.A. Police Chief Charlie Beck announces early retirement, ending eight-year tenure as head of the LAPD
Los Angeles Police Chief Charlie Beck announced Friday that he will retire this summer, ending an eight-year tenure in which he shepherded the department through crippling budget woes, a stubborn uptick in crime and a national outcry over police killings of black men.
Los Angeles Times

California parents arrested after 13 children found shackled, held captive in their Perris home
Multiple children were discovered bound, shackled and malnourished inside a California home after a teenage girl managed to escape the home and tell police that her 12 brothers and sisters were being held by her parents, authorities said Monday. David Allen Turpin, 57, and Louise Ann Turpin, 49, were being held on $9 million bail each on Monday after the dozen people were allegedly found to be held captive inside their Perris home.
NBC News

CHP officer calmly called 911 after 6-car crash left him pinned under truck
Martin Lendway was pinned under a pickup truck on the freeway when he removed a cell phone from his pocket and dialed 911. The California Highway Patrol officer calmly told dispatchers where to find him and that he thought his legs were broken, which doctors would later confirm. Then, as bystanders worked to move the truck off his legs, he waited.
SF Gate

Why loud & repetitive verbal commands can hinder compliance
There is an old saying, "There is a time to talk, and a time to shoot," which is a concept that should be familiar to all police officers. There are also a lot of less lethal options between the two choices. Verbalization when appropriate, can, and should be used, at all levels of force. There is a time and a place for loud, forceful commands.
PoliceOne

Inside the LAPD program that helps cops conquer addiction
"This is a difficult subject for early in the morning, huh?" Detective Mike Margolis asks, to some quiet laughter. "What we're talking about here is making bad decisions." He looks out at the group: some 35 men and 7 women who have been promoted or are about to be promoted to the

rank of sergeant or detective with the LAPD, each of them on the force maybe ten years.
Los Angeles Magazine

Redding offers $5,000 to transferring cops as hiring pool thins
When Redding Police Chief Roger Moore wanted to transfer back to his hometown from the Watsonville Police Department in 1995, he faced hundreds of competitors for open transferring officer positions. Today, though, the pool of those officers seeking to transfer to other agencies has dried up, Moore said.
Record Searchlight

Crime

Crime surges in downtown in 2017
DTLA - Downtown Los Angeles continues to face growing pains when it comes to crime, as violent and property crime rates increased again over the course of 2017. An influx of new residents, workers and visitors is adding to the years-long trend, and crime is not impacting each district equally. The biggest increase by percentage was homicide, which jumped 91%, from 11 killings in both 2015 and 2016 to 21 incidents in 2017, according to Los Angeles Police Department data.
Los Angeles Downtown News

Former civilian LAPD worker arrested for alleged workers' compensation fraud
A former civilian Los Angeles Police Department employee was arrested on suspicion of workers' compensation fraud, authorities said. Gerald Pulley, 51, was arrested last Thursday on suspicion of the felony-level crime, Los Angeles police said in a press release. Pulley has since been released on $20,000 bail. No court date was set.
ABC7

Illinois AG candidate robbed at gunpoint in Chicago during campaign photoshoot
A Democratic candidate running for Illinois attorney general was robbed at gunpoint Thursday during a campaign photoshoot in Chicago. The Chicago Tribune reported that Aaron Goldstein, 42, and members of his campaign team were approached by three men in their early 20s. One of the men had a handgun and demanded Goldstein and the campaign aides turn over the camera equipment and other personal belongings, including their cell phones, which they did.
Fox News

Ex-CIA officer Jerry Chun Shing Lee suspected of spying for China
A former CIA officer who was charged Tuesday with unlawful possession of secrets is suspected of a much worse crime: betraying U.S. informants in China, sources familiar with the case told NBC News. The

former officer, Jerry Chun Shing Lee, 53, was arrested Monday after flying into New York on a Cathay Pacific flight from his home in Hong Kong, federal authorities announced.
NBC News

Consumer Protection

These Amazon, eBay or Walmart counterfeits could kill you
One-third of online shoppers received an unexpected surprise this year - they unwillingly received a counterfeit product. While some consumers may be confident they can identify fake sunglasses, purses, shoes and handbags, a mistake identifying the items below could be deadly. Amazon, eBay and Walmart take a transaction fee for each item sold.
The Counterfeit Report

Criminal Justice Reform

New Jersey requires racial-impact statements for crime-law changes
Changes to criminal-justice laws in New Jersey now require an analysis of their impact on racial and ethnic minorities, making the state among only a handful in the nation to do so. A bill mandating the analyses, which outgoing Republican Gov. Chris Christie signed Monday, requires the state's Office of Legislative Services to prepare so-called racial-impact statements for policy changes that affect pretrial detention, sentencing and parole.
Wall Street Journal

Supreme Court

Supreme Court hears rare appeal challenging military judges
The Supreme Court delved into unusual terrain on Tuesday when it heard arguments brought by military service members -- the first time the justices have heard such a case in 21 years. At issue in the case -- Dalmazzi v. United States -- is an 1870 statute that prohibits active-duty service members from holding a second elected or appointed government office unless Congress expressly authorizes it.
CNN

State / Politics / Legislation

John Tunney, California senator who worked for environmental protection and civil rights, dies at 83
Former U.S. Sen. John V. Tunney, who as a young lawyer and rising California political star toppled an entrenched Republican incumbent before facing his own defeat just six years later, has died. He was 83. Tunney, who lived mainly in Sun Valley, Idaho, in recent years but also maintained homes in Los Angeles and New York, died of prostate cancer

Friday at a home in Brentwood, his brother Jay Tunney said.
Los Angeles Times

Trends emerge at USC Gubernatorial Debate
Six candidates - four Democrats and two Republicans - squared off on Saturday at the University of Southern California in the first of what will be many debates to help Californians decide who should (and should not) be our state's next governor. No knock-out punch was delivered...it would have been shocking if anyone even drew blood.
Fox & Hounds

Bail advocate pushes harassment claims against 'Huggy Bear Hertzberg'
Sen. Bob Hertzberg made a political enemy of the bail industry last year when he introduced legislation to overhaul the money bail system in California. Now a Bakersfield man tied to the industry has launched a victims' hotline and video featuring allegations that the Los Angeles Democrat inappropriately touched women.
Sacramento Bee

Sexual Harassment

9th Circuit to study workplace conditions in wake of Kozinski's retirement over sexual misconduct accusations
A federal appeals court has assigned a committee to investigate workplace conditions in the wake of sexual misconduct charges that recently forced a high-profile judge to retire. Chief Judge Sidney R. Thomas of the U.S. 9th Circuit Court of Appeals named four judges and an employment lawyer to the committee, which will review policies to protect workers and recommend changes if necessary.
Los Angeles Times

Gavin Newsom is the target as 6 candidates battle in California governor debate
Six candidates for California governor clashed over health care, education and immigration issues in the first major debate of 2018 on Saturday morning at USC. The lively debate frequently pitted Gavin Newsom against everyone else. Newsom, the frontrunner in public-opinion polls on the race to succeed Gov. Jerry Brown, faced criticism from fellow Democrats Antonio Villaraigosa and John Chiang over his support for a single-payer health-care system.
Los Angeles Daily News

The humiliation of Aziz Ansari
Sexual mores in the West have changed so rapidly over the past 100 years that by the time you reach 50, intimate accounts of commonplace sexual events of the young seem like science fiction: You understand the vocabulary and the sentence structure, but all of the events take place in outer space. You're just too old. This was my experience reading the

account of one young woman's alleged sexual encounter with Aziz Ansari, published by the website Babe this weekend.
The Atlantic

LAPD officer alleges retaliation for reporting sexual harassment
A Los Angeles police bloodhound handler is suing the city, alleging he suffered a backlash for reporting the alleged sexual harassment of one of his three colleagues in the unit by a supervisor who also was fabricating overtime claims. LAPD Officer Elliot Zibli filed the whistleblower lawsuit Friday in Los Angeles Superior Court, saying he was forced to retire earlier than he wanted to because of stress. The suit seeks unspecified damages.
City News Service

LA County

After civil rights violation claim, Metro is pressed for more data on fare enforcement
Local civil rights group Labor Community Strategy Center says it has already determined that black people are disproportionately ticketed for not paying bus and train fares in Los Angeles. Now, it's trying to learn more about enforcement and the treatment of black riders. It's the goal of a lawsuit filed by the strategy center against Metro and three law enforcement agencies.
Curbed Los Angeles

Goldstein Investigation: Some city workers go home after short day but still get paid
Most people have to put in eight hours of workto get eight hours worth of pay. But not so with some city of LA workers Investigative Reporter David Goldstein caught with hidden cameras. Here is a full script of Goldstein's investigation: "How is it that you get to leave every morning? We watched you numerous days?" "I don't." "You don't? We watched you numerous days, sir.
CBS Los Angeles

LA supes vote to improve crucial services for the disproportionate number of LGBTG youth in the county's care
On Tuesday, the Los Angeles County Board of Supervisors voted in favor of an important motion that aims to improve the services available to LGBTQ youth, who are overrepresented in the child welfare and juvenile justice systems, and are particularly vulnerable to homelessness.
Witness LA

Independent report says California needs to store gas underground
A state-commissioned report, released Thursday, has concluded that California must rely on natural gas stored underground for decades to come to meet the state's energy needs. The California Council on

Science and Technology, an independent nonpartisan organization, assessed the long-term viability of underground gas storage in the state at the request of Gov. Jerry Brown and the state Legislature.
KPCC

LA could change the way straws are distributed at restaurants
Several City Council members put forth a proposal Wednesday to require Los Angeles restaurants and food service providers to distribute plastic straws to customers by request only as a way to cut down on trash and pollution.
City News Service

Media

Top LA Times editors, newsroom guild call for 'frat boy' publisher to go
NPR media reporter David Folkenflik dropped a bombshell out of the Los Angeles Times on Thursday. He reported that publisher and CEO Ross Levinsohn was a defendant in two sexual harassment cases settled by employers before he came to the Times, and that female colleagues have repeatedly accused him of misconduct throughout his career.
LA Observed

Los Angeles Times journalists vote 248-44 to unionize
Journalists at the Los Angeles Times have overwhelmingly elected to form a union, a first for the 136-year-old news organization that for much of its history was known for its opposition to organized labor. The union drive was launched publicly in October and culminated in an election earlier this month.
Los Angeles Times

Central Basin leaked confidential health records to Los Angeles Times, violating Federal laws
Hews Media Group-Community News has learned that a Central Basin Municipal Water District (CB) employee or Director leaked federally protected and confidential personnel and health records of a former employee to the Los Angeles Times violating the Health Insurance Portability and Accountability Act (HIPAA) which is a federal offense.
Hews Media Group

Melina Abdullah

Black Lives Matter leader leads séance in Methodist Church: Summons spirits of Martin Luther King, Malcolm X, and Shaka Zulu
Dr. Melina Abdullah - a professor at California State University who also leads the Los Angeles chapter of Black Lives Matter - recently summoned the spirits of several deceased people to fill a Methodist church with ethereal energy, including Martin Luther King, several other

slain civil rights leaders, victims of police brutality, and an African warrior named Shaka Zulu.
The Daily Wire

Corrections

Inmate who escaped from state prison in Chino caught 90 miles away in Encinitas

A 33-year-old man who escaped from the Chino state prison was back in custody, authorities said Monday evening, Jan. 15, after police found him 90 miles away in Encinitas. San Diego sheriff's deputies took Michael Garrett back into custody at about 6 p.m. after he was spotted outside a Vons, according to the California Department of Corrections and Rehabilitation.
San Bernardino Sun

Guns

Gun store thefts rise again in 2017, breaking ATF record

Burglars stole a record number of firearms from gun stores and other licensed firearms dealers in 2017, according to federal statistics released on Tuesday, extending an upward trend that has spurred calls for new legislation on Capitol Hill. Burglars nabbed 7,841 guns from licensed firearms dealers last year, about 5 percent more than in 2016, according to the Bureau of Alcohol, Tobacco, Firearms and Explosives.
The Trace

Marijuana

LA pot shops eye recreational marijuana sales as city begins issuing approvals

It may not be long now before the first legal recreational pot shops begin operating in Los Angeles. City officials last Friday started issuing temporary approvals to marijuana businesses, which allows those businesses to apply for state licenses. At the moment, local approvals are only being given out to existing medical marijuana dispensaries that were given "limited immunity" that allowed them to operate under Proposition D, a now repealed ban on cannabis businesses.
Los Angeles Daily News

State attorneys general want Congress to give banks the go-ahead to work with marijuana companies

California's top law enforcement official and his counterparts in 18 states and territories say Congress must act to end the banking industry's prohibition on serving the marijuana industry, calling the current state of affairs a public safety threat and a hindrance for law enforcement.
Los Angeles Times

Homeless

Temporary trailers for homeless people planned on downtown city lot
Los Angeles city leaders are planning to house dozens of homeless people in trailers on a city-owned downtown lot as a possible model for citywide temporary shelters. A proposal that will be submitted to the City Council on Tuesday calls for installing five trailers on a parking lot at Arcadia and Alameda streets by the beginning of summer.
Los Angeles Times

Los Angeles officials propose housing homeless in hotels or motels
A Los Angeles City Council committee is set to examine a proposed ordinance today that would aid the transition of some of the city's hotels or motels into temporary or supportive housing for the homeless. According to a report from the City Planning Department, there are approximately 10,259 guest rooms in at least 382 motels in the city of Los Angeles, and some could be converted to temporary or supportive housing for the homeless at a low cost.
City News Service

Immigration

LA County says "no" to adding immigration question to 2020 census
The Los Angeles County Board of Supervisors voted today to voice their opposition to a recent Department of Justice proposal to include a citizenship question on the 2020 Census form. 'Whether unintentional or by design, including a citizenship question in the Census will not only result in an inaccurate count, it would deny communities with immigrant populations -like LA County- their fair share of Federal funding and resources,' said Supervisor Janice Hahn.
Public.

'We will prosecute' employers who help immigration sweeps, California AG says
The state's top cop issued a warning to California employers Thursday that businesses face legal repercussions, including fines up to $10,000, if they assist federal immigration authorities with a potential widespread immigration crackdown.
Sacramento Bee

Pensions

Borenstein: Brown suffers major setback on pension reform
Gov. Jerry Brown suffered a significant legal setback this week when a state appeals court dealt a blow to hopes for meaningful pension reform in California. The decision after five years of litigation over pension spiking could undermine key portions of legislation the governor signed

in 2012 to end such abuses and help shore up retirement systems across the state.
Mercury News

Pensions will be 'on the chopping block' in next recession, Jerry Brown says
Gov. Jerry Brown this week predicted that his 2012 pension law will survive union challenges in court and blow a hole in the so-called "California rule" that has restricted changes to public employee retirement plans for half a century. "When the next recession comes around, the governor will have the option of considering pension cutbacks for the first time in a long time," Brown said at a news conference this week where he unveiled his 2018-19 budget plan.
Sacramento Bee

Why Moody's sees latest California pension ruling as credit negative
A California appellate court ruling that appears to favor a strict test for pension reforms to current employee benefits is a credit negative, says Moody's Investors Service. "The ruling is credit negative for the state and its local governments, because it increases the body of case law aligning with California's historically stringent legal protections for public pension benefits," wrote Tom Aaron, a Moody's analyst in a Monday report.
Bond Buyer

Initiatives

Court gets advice on pensions
Finley Peter Dunne, a humorist and newspaper columnist at the turn of the 20th Century famously said in making decisions, "The Supreme Court follows election returns." The question for California is will the state Supreme Court heed the governor's advice? Jerry Brown certainly gave the court advice on how to deal with upcoming public pension cases.
Fox and Hounds Daily

Initiative backers betting 2018 will be the year to take on California's Proposition 13
Forty years after Californians revolted against rising property taxes to pass Proposition 13, advocates of tax reform believe the timing is finally right to do surgery on it. They've filed a draft initiative with the state ☐ the step before starting to collect signatures for the November ballot - proposing a "split roll" system that would increase taxes on commercial and industrial properties to produce more money for schools, counties and local governments, while leaving intact Prop. 13's tax protections for homeowners and residential properties.
EdSource

For more ADDA news and information, visit www.laadda.com.

Association of Deputy District Attorneys, 515 S. Flower St., 36th Floor, Los Angeles, CA 90071

SafeUnsubscribe™ brandon.kutches@sfgov.org

Forward this email | Update Profile | About our service provider

Sent by newswatch@laadda.com